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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,324	10/23/2003	Timothy P. McKee	MSFT121820	8607
28319	7590	01/26/2006	EXAMINER	
BANNER & WITCOFF LTD., ATTORNEYS FOR MICROSOFT 1001 G STREET , N.W. Suite 1100 WASHINGTON, DC 20001-4597			PATEL, FAHD	
			ART UNIT	PAPER NUMBER
			2194	
DATE MAILED: 01/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/692,324	MCKEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Fahd Patel	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 October 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 and 27-42 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 and 27-42 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

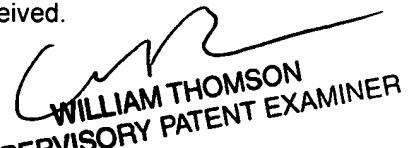
#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 23 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



WILLIAM THOMSON  
SUPERVISORY PATENT EXAMINER

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/3/04, 6/21/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

1. Claims 1-19, 27-42 are pending in this application.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-19, 27-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Horvitz et al. (U.S Patent 6,980,993), hereafter Horvitz.**

4. As per claim 1, Horvitz teaches

receiving a notification from a first notification sender (502, 504, 506, Fig. 5, 7; col. 42, lines 19-21); and

in response to receiving the notification, controlling the delivery of the notification in accordance with one or more user contexts that have been set by one or more context setters (520, 526, Fig. 7; col. 2, lines 19-24, 48-67; col 3, lines 1-17).

5. As per claim 2, Horvitz teaches that a user context comprises a condition that may be in first or second states, and an instruction that is to be followed if the condition is in the first state (col. 56, lines 31-35, 64-66).

6. As per claim 3, Horvitz teaches that the condition of at least one of the user contexts relates to whether or not the user is at least partially visually occupied, and the associated instruction restricts the delivery of notifications in terms of their visual display (col. 36, lines 48-59; col. 37, lines 19-23, 36-38, 51-53; col. 55, lines 38-45).

7. As per claim 4, Horvitz teaches that the condition of at least one of the user contexts relates to whether or not the user is at least partially occupied by sound, and the associated instruction restricts the delivery of notifications in terms of their volume (col. 57, lines 11-52).

8. As per claim 5, Horvitz teaches that a plurality of user contexts that are associated with a specified user are set by a plurality of context setters (col. 48, lines 49, 56-57).

9. As per claim 10, Horvitz teaches that the condition of at least one user context relates to whether or not the user is unavailable for receiving notifications of any kind, and the associated instruction restricts the delivery of notifications altogether (col. 56, lines 31-35).

10. As per claim 11, Horvitz teaches that at least one of the context setters is an operating system (col. 3, lines 1-5).

11. As per claim 12, Horvitz teaches that at least one of the context setters is a program other than an operating system (col. 3, lines 1-5).

12. As per claim 13, Horvitz teaches that a set of rules are defined by a user to dictate how notifications that contain at least a first specified element should be delivered (col. 45, lines 1-10).

13. As per claim 16, Horvitz teaches that the instruction of the user context may indicate that selected notifications should be at least one of routed, denied, deferred, or delivered (col. 56, lines 31-35).

14. As per claims 6, 14, 27, they are rejected for the same reasons as claim 1 above.

15. As per claims 7, 15, 28, they are rejected for the same reasons as claim 2 above.

16. As per claims 8, 17, 29, 37-38, they are rejected for the same reasons as claim 3 above.

17. As per claims 9, 30, 39-42 they are rejected for the same reasons as claim 4 above.

18. As per claims 33, 34, they are rejected for the same reasons as claims 1, 3, 4 above.

19. As per claims 18, 32, they are rejected for the same reasons as claim 5 above.

20. As per claim 31, it is rejected for the same reasons as claim 10 above.

21. As per claims 19, it is rejected for the same reasons as claim 13 above.

22. As per claim 35, it is rejected for the same reasons as claim 16 above.

23. As per claim 36, Horvitz teaches

establishing a plurality of user-defined conditional rules for handling incoming notifications, said rules identifying a state of computer system resources and one or more permissible notification actions based on said state of computer system resources (col. 44, lines 45-50; col. 45, lines 1-10; col. 48, lines 49, 56-57).

providing a plurality of application program interfaces for requesting notifications to a computer user, wherein a first of said interfaces is offered as part of a system shell and results in a notification to said user in response to being called (506, Fig. 7; col. 3,

lines 1-17), and wherein a call using a second one of said interfaces does not result in a notification to said user in response to said call, but results in a response identifying a context of said user (514, 706, Fig. 7, 8; col. 48, lines 45-59; col. 57, lines 53-67; col. 58, lines 1-24); and

in response to a call made using said first interface, applying one or more of said rules to provide a notification to said user (col. 58, lines 17-24).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Heinlein et al., Integration of message passing and shared memory in the Stanford FLASH multiprocessor, Architectural Support for Programming Languages and Operating Systems, Pages: 38 – 50, Year of Publication: 1994.
- Louis et al., Context learning can improve user interaction Information Reuse and Integration, Proceedings of the 2004 IEEE International Conference on, 8-10 Nov. 2004 Page(s):115 – 120
- Center et al. (U.S PG Pub 2002/0163572 A1).
- Faybishenko (U.S Patent 5,757,925).
- Powers (U.S Patent 6,453,311).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahd Patel whose telephone number is (571) 272-1044. The examiner can normally be reached on 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thompson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FHP



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